



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

JPM/DEL/MG/AR  
F. #2020R00637

*271 Cadman Plaza East  
Brooklyn, New York 11201*

December 2, 2022

By ECF and Email

The Honorable Hector Gonzalez  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Alimena, et al.  
Criminal Docket No. 21-466 (S-1) (HG)

Dear Judge Gonzalez:

The parties respectfully submit this joint letter to provide the Court with information in response to the November 23, 2022 Order directing the parties to meet and confer to negotiate an accommodation that permits certain defendants to conduct a co-defendants' meeting, either in-person at the Metropolitan Detention Center ("MDC") and/or remotely via video conference. The parties have conferred and, at the present time, respectfully submit the following report:

Following the Court's order, the government contacted legal counsel at the MDC to request the MDC facilitate a co-defendants' meeting for the seven requested defendants (two incarcerated defendants and five defendants on pre-trial release) and their attorneys either in-person or virtually.

In-person: In response to questions concerning an in-person meeting, an MDC legal representative advised that the MDC cannot accommodate a private co-defendants' meeting for 14 individuals (an estimated number that accounts for seven defendants plus one counsel each) because the MDC does not have an available room large enough to accommodate that many people during public visiting hours. While the public visiting room is available from 8:00 a.m. to 7:30 p.m. each day, the MDC could not guarantee a private meeting room because the visiting hours are available to all MDC inmates. Nor can the MDC make the visiting room available before 8:00 a.m. or after 7:30 p.m. due to staffing issues and required prison operations, such as counts.

Virtual meeting: In response to questions concerning an virtual meeting, the legal representative stated that a virtual conference is possible and can be arranged through the Federal Defenders of New York, who coordinate the scheduling.

Respectfully submitted,

<p>FOR THE UNITED STATES:</p> <p>BREON PEACE United States Attorney</p> <p>By: _____/s/_____ James P. McDonald Devon Lash Michael W. Gibaldi Andrew Reich Assistant United States Attorneys 718-254-6014 (Lash)</p>	<p>FOR THEODORE PERSICO:</p> <p>JOSEPH COROZZO Defense Counsel</p> <p>_____/s/_____ Joseph Corozzo, Esq. Angela Lipsman, Esq. (212) 545-8777</p>
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cc: Clerk of Court (HG) (by Email and ECF)  
Defense Counsel of Record (by ECF)